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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

XANDER

Serial No. 09/836,602

Filed: April 18, 2001

Atty. Ref.: 35-204

Group: 1636

Examiner: Leffers, Jr.

For: USE OF CD34 OR A POLYPEPTIDE DERIVED  
THEREFROM AS CELL-SURFACE OR GENE-TRANSFER  
MARKER

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 27, 2004

Sir:

**INFORMATION DISCLOSURE STATEMENT**

- ☐ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**  
[within 3 months of filing or prior to 1st Office Action on the merits]  
N/C
- ☒ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
N/C
- ☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**  
[after Final Office Action or Allowance (requires Rule 97(e)  
Statement and Rule 17(p) fee), but before final fee payment]  
\$180.00

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

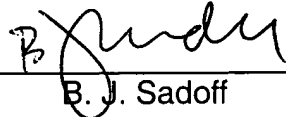
This paper is submitted in accordance with:

- ☐ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☒ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☒ a) The required Statement made in item 8 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☒ 8. Statement under 37 CFR 1.97(e)
- ☒ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from the German Patent Office (copy attached) in a counterpart foreign application received by the applicants European agent on December 2, 2003, i.e., not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS). The undersigned notes that this Office Action was dated November 11, 2003, i.e., more than three months prior to the filing of this IDS. In the event the Examiner believes the timing of mailing of the German Office Action is the critical date for citation of art according to Rule 97(e), the Examiner is authorized below to charge the undersigned's Deposit Account No. 14-1140 for any required IDS fee; or

☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

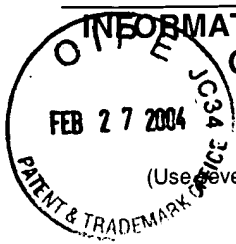
Respectfully submitted,  
NIXON & VANDERHYE P.C.

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ZANDER  
Serial No. 09/836,602

Sheet 1 of 1



**INFORMATION DISCLOSURE  
CITATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.

35-204

APPLICANT

ZANDER

FILING DATE

April 18, 2001

SERIAL NO.

09/836,602

GROUP

1636

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

DOCUMENT		DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 95/06723	03/09/95	WIPO				

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

	Hu et al, The Cytoplasmic Domain of Stem Cell Antigen CD34 is Essential for Cytoadhesion Signaling But Not Sufficient for Proliferation Signaling, 2/15/1998, Vol. 91, No. 4, pp 1152-1162
	Krause et al, CD34: Structure, Biology, and Clinical Utility, The Journal of The American Society of Hematology, 1/1/1996, Vol. 87, No. 1, pp 1-13
	Fackler et al, Full-Length But Not Truncated CD34 Inhibits Hematopoietic Cell Differentiation of M1 Cells, 6/1/1995, Vol. 85, No. 11, pp 3040-3047
	Lang et al, Clinical Scale Isolation of Highly Purified Peripheral CD34+progenitors for Autologous and Allogeneic Transplantation in Children, Bone Marrow Transplant, 9/1999, 24(6):583-9
	Bagnis et al, Stem Cell-Based Gene Therapy, The Oncologist, 1997, 2:196-202

*Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)